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KIX 107.5

6/8/94

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JUN 13 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket No. 94-34

Dear Mr. Caton:

I should like to express some concerns which we have regarding the new eeo penalties and requirements that you have asked for comments on..in particular the setting of minimum job application pool requirements.

The paperwork burden that we already live with is horrendous.. and in a small operation like ours..is devastating when you have so many things you need to do. In this market, I am the Manager, the Chief Engineer, Program Director, do about 25% of the sales work, and manage the efforts of our staff. If I could not do all these things, our operation in this market would be at risk. So, any additional paperwork requirements only compromises our operation.

Broadcasting in radio today..in medium and small markets has really come down to operating with multi-talented people and as few of them as possible in order to stay in business..meet your public obligations..and turn a profit. These kind of people are increasingly difficult to find. Operating in this manner means you run a very lean, tight ship..and big problems are caused when someone quits or you have to discharge them...because it takes us about 6 to 8 weeks to go through our eeo procedure. Qualified people, minority or not, who can do a number of skilled tasks are in very short supply. Those who appear to be qualified seem to be much more interested in tv than radio. We have written dozens of different sources..black colleges...black organizations..local organizations. The only sources that have been somewhat productive are our local Universities, local high schools, and other area sources. However, more often than not, they are often majoring in some unrelated field and working here part-time only helps them get their degree..or they want to stay in black radio(and our small 1000 watt class IV station is seen as "not big enough") and want to get into TV.

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In today's radio markets like ours..the big problem is..when you have a low number of multi-talented employees..and you lose one for whatever reason...there is a CRISIS...because all of a sudden..other people (who already have enough to do) have to take on the additional responsibilities of the person who left.. and often for several months while we go through our procedure to find employees and fulfill our eeo obligation. Not only does it usually injure your programming concept and whole organization but also it puts your group under a terrible strain. In our size market..we have found that it is virtually impossible to keep a "list" of people who have applied that you can go to in an emergency. Good people are in strong demand..and they won't wait or hang around until we have an opening.

With the advent of LMA's and multiple ownership..there is increasing emphasis on a few multi-talented people..so this puts great pressure on the availability of qualified people. Unfortunately, minority applicants who meet this kind of standard...go quickly to larger markets where they can make more money and to stations in larger areas that have the same employee demands. With the ever tightening competitive climate in broadcasting..more stations having to automate or use satellite delivered programming...LMA's...all contribute to the shrinking job market for inexperienced people.The need for people with undeveloped skills has diminished tremendously..as stations increasingly rely on automation or satellite to cover those areas they would ordinarily have had a part-time or lesser skilled person during off hours so they could train and improve their skills. These kind of jobs are less available everyday. Even in our size market..years ago we had applicants from even smaller markets trying to move up the ladder...now that is a very rare thing..as these stations either totally automate or use satellite programmed..and have skeletal staffs. Economics and the LMA business have made this problem even more critical. Most of the applicants we have are inexperienced people who appear to be right out of radio school. There are a few "old-timers" from time to time who have worked everywhere and don't stick anywhere. We RARELY ever get a top notch qualified person apply..even though we go to great lengths to find them. For many many years..radio got its talent from smaller markets..or part-timers who developed into great radio people. Now with unemployment compensation so costly, stations are hard-pressed to take chances on personnel. If they don't work out..it costs you lots of money. The small market talent pool is largely gone...the need is for more highly skilled people..making it hard to break into radio.

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One of the tragedies of our situation is that we have had qualified people....looking for a job..walk in our doors and apply for a job when we had a crisis opening..but we dared not hire them until we had gone through our entire eeo process. By the time we go through the process..this person is gone..obtained a job in another market and not available to us..even though..among the applicants we had we did not have a single person we felt we should hire. Yet, this person who NEEDED a job...WANTED to work here..and we needed desperately..has gotten a job elsewhere. We did not hire him or her when they were available..even though they were exactly what we were looking for..because we had another primary concern. We feel this is wrong..but is an example of what happens when we have such hard & fast rules.

This new added burden of requiring specified numbers of qualified minority and female applicants for job openings seems to me to be at odds with our rights under the constitution. It appears that the paper trail is more important than employment. In a small market of 20,000 people...and even larger markets...finding qualified people to do the work has always been a problem..a continuing problem. It has ALWAYS been a fact of life that most radio people want to work in larger markets..working in small markets is small potatoes..even if the pay is the same..or the station just as BIG powerwise..it is still viewed as small market radio..they want to move up..and market size means more to them than the money. Hence, we have a problem with ALL races & creeds STAYING in small markets to begin with. Also..more and more young people are TV bound..not radio..radio is not seen as being in the class with TV...more prestige...more exposure..BIGGER somehow. The best people now..are going to TV not radio.

I find that most universities and other potential sources for qualified minorities and females..are inundated with letters inquiring for potential job candidates from over 10,000 radio stations...many times you do not even get the courtesy of a reply to your inquiry.

Over the years, we have had good minority employees..and the fact that each year..we train many minorities for broadcasting doesn't count for anything because we can't meet the standard called for to qualify for "training." It is not a "formal" training program in the truest sense of the word...but we do it..and a lot of youngsters are able to work their way through college here after being trained in the work..some continue in broadcast.

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As a small market broadcaster..competing at the local level as well as with the big broadcasters in neighboring big cities..our skill level has to be high to compete and stay in business. We need the best people we can find to stay alive. We compete with larger stations who are bigger and thereby are able to better attract talented people (minority and otherwise)..as well as competing with smaller stations.

My personal opinion is that you should scrap this newest expansion into eeo and the exorbitant fines for stations not able to illustrate that they have actually gotten qualified minimums of minority or female applicants. I fear this kind of requirement is fraught with all kinds of problems. Stations would be put in a very awkward position. We need to rethink this whole process in light of the realities of the marketplace. In today's terribly competitive situation..this is causing more long term problems than you may realize. All these things take time and money...time away from being able to work harder to stay in business...fines that are punitive in nature not only for this but also for technical violations.. spectrum fees...higher taxes...all of them add up to a more difficult time in broadcasting..an industry that already has a substantial number of stations losing money.

One question which we have never been able to get a handle on is the question of part time employees...people who do weekend or fill-in work when not in school or working elsewhere. Remember..most are only doing this to supplement their income and they live here locally...very few individuals would commute or move to a community to work for minimum wage in a part-time job. Occasionally we will have an applicant who wants to get into radio by the part-time route and we encourage this. The rules dont indicate any different treatment for part-time workers..but they are certainly a world apart. What should we do?

There are many questions to be answered. This whole matter is life or death for us and the regulations are at odds with our free market system.

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As a broadcaster for over 40 years, I continue to believe most broadcasters feel a sense of commitment to increasing the participation of minorities in the broadcasting business. We want it to work out..it's good for the community..it's good for our citizens...it's good business to raise the level of attainment for all citizens when employment is done for the right reasons. That is the way it should be. However, the kind of regulation we live under scarcely resembles the way the real world operates. I hope you will find it in your heart to review this new policy..as well as the existing policy, and lets find a way to simplify this matter..stop the fines..penalties and such..and search together to find a real-life workable way to meet our obligations..not just for public policy purposes..but also for the humanitarian needs of people striving to be a part of the system.

Sincerely,



Dan Hollingsworth, Pres & GM.
Ruston Broadcasting Co., Inc.